

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19

TECK COMINCO ALASKA, INCORPORATED

Employer

and

Case 19-RC-14701

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 1547,  
AFL-CIO

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board. Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record<sup>1</sup> in this proceeding, the undersigned makes the following findings and conclusions.<sup>2</sup>

**I. SUMMARY**

The Employer is a State of Alaska corporation engaged in the business of mining zinc and lead at the Red Dog Mine, which is located approximately 90 miles north of Kotzebue, Alaska. The Employer also operates a port approximately 50 miles west of the mine on the shore of the Chukchi Sea, where it stores the processed zinc and lead and loads it on to ships for transport around the world. The Petitioner filed the instant petition and claims that the unit sought, which is composed of approximately 55 millwrights<sup>3</sup> employed by the Employer at the mine and port, constitutes a craft unit of highly skilled and licensed employees who share a community of interest separate and apart from the Employer's other employees. Contending that the unit sought is inappropriate, the Employer asserts that the employees sought by the Petitioner are not a craft unit, and that the only appropriate unit is a wall-to-wall unit comprising all of the Employer's production and maintenance employees except for the electrical and

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<sup>1</sup> The Employer and the Petitioner timely filed briefs, which were duly considered.

<sup>2</sup> The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

<sup>3</sup> The millwrights are also referred to in the record as mill mechanics at the mine and as port operator VI employees at the port.

powerhouse employees.<sup>4</sup> Based on the record as a whole and the parties' respective briefs, I find that the petitioned-for unit of millwrights constitutes an appropriate craft unit and shall order an election be held in that unit.

Below, I have set forth the evidence presented in the hearing concerning the operations of the Employer and the factors the Board analyzes in determining whether a petitioned-for craft unit is appropriate. Following the presentation of the evidence, I have set forth a brief summary of the parties' positions, a section applying the Board's legal standards to the evidence, and my conclusion. The decision concludes with a direction of election and the procedures for requesting review of this decision.

## **II. RECORD EVIDENCE**

### **A. The Employer's Operations**

The Employer operates a port and an open pit mine known as the Red Dog Mine from which it extracts and processes zinc and lead ore. The mine commenced operations in 1989. The mine is operated and managed as part of a joint venture partnership with an Alaska regional corporation known as Nana. The mine is situated in a remote area of Alaska approximately 90 miles north of Kotzebue. It operates on a 24-hour per day, 7-day per week basis. Rock is extracted from the surface mine through blasting and stockpiled before it is crushed into coarse ore and then placed into an enclosed building for dust handling. Beneath that building are underground feeders that feed the ore by conveyor belt to the Employer's milling operation, which grinds the ore down to a very fine powder mixture. Zinc and lead are then extracted from the powder mixture during the flotation stage through the use of water, chemicals, and air. Dewatering is the last stage of the milling process, whereby 91 to 92 percent of the moisture is extracted from the lead and zinc concentrate. Once the moisture is removed, the lead and zinc are placed in temporary storage in the concentrate storage building.

An independent contractor transports the processed zinc and lead by truck to the Employer's port operation, which is situated on the shore of the Chukchi Sea, approximately 50 miles west of the mine. Approximately 36 to 40 truckloads, or approximately 5000 metric tons, of concentrate are shipped each day. The port operation, which also operates on the same continuous hourly basis as the mine, receives and stores the zinc and lead for shipment. The Employer loads the concentrate onto barges, which contractors convey to waiting ships, which deliver the lead and zinc to locations across the world. Supplies, including fuel, for the Employer's mine and port operations are shipped by barge and also received through this port. Due to the weather at this location, the port is accessible to ships only for approximately 100 days each year, from mid July to mid October.

Approximately 350 employees are employed at the Red Dog Mine, with approximately 22 additional employees located at the port. Of those approximately 372 employees, the hourly-paid production and maintenance employees number approximately 245. Due to the operation's remote location, the Employer provides transportation for its employees to and from

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<sup>4</sup> The Employer does not seek to include these classifications because of my prior determinations. I found in Case 19-RC-14625 that the petitioned-for unit of the Employer's electricians, instrument technicians, and communications technicians was an appropriate craft unit, and I found in Case 19-RC-14650 that the petitioned-for unit of powerhouse employees was an appropriate unit because of their separate community of interest. The Board denied the Employer's respective requests for review of my prior determinations in Cases 19-RC-14625 and 19-RC-14650.

the mine by air and operates an airstrip at the mine operations.<sup>5</sup> The Employer also provides living and eating quarters for its employees, as well as those of the trucking contractor's employees. Employees' tours of duties vary depending on the Employer's operating needs and the home location and personal preference of the employees. Most work a 4-week-on and 2-week-off, or 2-week-on and 1 week-off, schedule.

## **B. Relevant Factors**

### **1. Organization**

The Employer's operations are broken down into 7 divisions: mine operations, mill operations, maintenance, environmental, accounting and information systems, materials management, and human resources. An operations superintendent, who reports to the General Manager, heads each division. The parties stipulated that those positions, as well as a number of supervisory, managerial, professional, and office clerical positions should be excluded from whatever unit is found appropriate.<sup>6</sup>

Within the maintenance division are the 48 mill mechanics ("millwrights")<sup>7</sup> in the mine's mechanical maintenance department which the Petitioner seeks to represent along with the 7 Level VI port operators ("millwrights") at the port. At the mine, the millwrights have their own separate shop area where they have lockers for tool storage and hold millwright crew meetings to discuss their work for the day. The millwrights also have a separate area in the middle of the mill where they also keep their toolboxes.

The Employer does not require the licensing of millwrights for employment or promotion.<sup>8</sup> Of the 55 employees classified as millwrights, the Employer classifies 44 of them as Level VI millwrights. Level VI is the highest pay grade within the maintenance division. Level VI millwrights are also the most highly skilled and are journeyman-level millwrights according to the testimony of maintenance general foreman Steven Rhodes and port supervisor Edward Koon. The Employer's records reveal that the Employer hired 30 of the 44 journeymen millwrights as journeymen and that the remaining 14 worked their way up through the Employer's apprenticeship program. Three of the seven millwrights currently at the port attained their journeymen status by following the Employer's apprenticeship program and passing a test, while the remaining four were hired as journeymen.

### **2. Apprenticeship Programs and Other Training**

The Employer offers a formal apprenticeship-training program to permit its millwright apprentices to learn everything they have to know to become journeymen millwrights. Apprentices are required to acquire certain skills and competencies that are developed by the

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<sup>5</sup> The Federal Transportation Security Administration has delegated responsibility for the airport's security to the Employer. Production and maintenance employees, including the millwrights, provide this security and screening function for the employees and freight passing through the airport.

<sup>6</sup> The position classifications, which are too numerous to list here, and the names of the persons holding those classifications, are set forth in the white rectangles on the Employer's organizational chart, which was received into evidence as Employer Exhibit Number 54. Based on the parties' stipulation, I find that those positions should be excluded from the unit as managers, supervisors, professional employees, or office clerical employees.

<sup>7</sup> That number includes 2 temporary employees (Jimmy Larkin and Percy Wesley) who are listed on the Employer's organizational chart as temporary mill mechanics. Record testimony established that Larkin is a Level V mechanic and that Wesley is a laborer. The parties stipulated that both employees are eligible to vote and should be included in whichever unit I find to be appropriate.

<sup>8</sup> The record contains little evidence whether the journeymen millwrights are licensed. The one millwright, who was asked about licensing, testified that he holds an Oregon State Industrial Millwright card.

Employer under its Maintenance Millwright Competency Development manual before they can progress to the next apprentice, and ultimately journeyman, level. Maintenance supervisors use the manual to communicate the Employer's skill expectations and to evaluate apprentices' progress. Apprentices receive on-the-job and classroom training from the supervisors and journeymen millwrights to acquire the requisite skills, and must pass a variety of courses at different levels of complexity in order to progress. The maintenance supervisor administers the tests that the millwrights must pass, and tracks the hours of progress for each apprentice. Separate apprenticeship programs are also offered by the Employer for electricians and heavy equipment mechanics.

In addition, there is other training that all production and maintenance employees receive. As the Employer's mine is subject to the Federal Mine Safety and Health Act ("MSHA"), all production and maintenance employees must receive initial and refresher surface mine training mandated by MSHA. These employees, as well as the Employer's other employees whom the parties stipulated should be excluded from the unit, also receive one-time environmental awareness training together, which lasts 4 to 6 hours.

### **3. Supervision**

The maintenance supervisors, Billy Beaver and Mike Skeeters, alone supervise the millwrights at the mine. Although any employee can request that a millwright perform a job through a work order, the maintenance supervisor assigns the work order to specific millwrights during the millwright crew meeting. As noted above, the maintenance supervisor is also responsible for tracking the progress of the millwright apprentices in the millwrights' apprenticeship training program. These duties include authorizing their time sheets, and insuring that they pass the appropriate written tests and field training. The supervisors report to, and sometimes discuss their decision to promote an apprentice with, Steven Rhodes, the general foreman in the maintenance division. The two maintenance supervisors supervise no other classification of employee other than the millwright.

Like the other approximately 15 hourly employees physically located at the port, the 7 port millwrights are supervised by the port supervisor. The port supervisor is not a millwright, has not been a millwright apprentice, and has not participated in the apprenticeship training program for millwrights.

### **4. Functional Integration**

As I had previously determined in the two prior representation cases involving these same parties, the Employer's mine and port is a highly integrated operation. The Employer has presented evidence showing different production and maintenance employee classifications working with each other and having significant daily contact. The same is true with respect to the millwrights. Like the electricians, millwrights have frequent interaction with other employee classifications while performing their regular duties of preventive maintenance and repair of the stationary equipment. Their duties are also functionally integrated into the performance and ultimate success of the Employer's operations. As the processing of lead and zinc is dependent on the proper functioning of mill equipment, the millwrights' duties in performing preventative maintenance and repair of such equipment is essential for the Employer to meet its production goals.

### **5. Work Duties and Assignments**

Millwrights are responsible for the maintenance and repair of the Employer's stationary equipment at the mine and the port. While millwrights can perform their duties anywhere on the Employer's mine site, the greatest volume of their work occurs within the mill where there is a significant amount of equipment to maintain. Millwrights require the specialized expertise and

knowledge to dismantle, fix or replace, and reassemble equipment such as motors, pumps, hydraulic systems, conveyor belts, and pipes. Millwrights also perform welding, pump and shaft alignment, and machine shop fabrication. A significant part of their duties also involves the preventive maintenance of the Employer's industrial equipment. General Foreman Rhodes characterized all of the above regular duties of the millwrights as "craft work."

The record reveals that millwrights also perform non-craft duties at the mine and the port. Examples of such duties include snow removal, fuel offloading at the port, airport security, volunteer fire work, safety and medical trauma duties, concentrate unloading, and truck delivery of freight. Although supervisor Koon testified about several instances of such non-craft work, the record is inconclusive regarding the amount of time on a daily basis that millwrights perform such duties or how many of the 55 millwrights have regularly performed such duties. General foreman Rhodes estimated that the millwrights spend 75 percent of their time performing such craftwork at the mine. Although supervisor Koon estimated that millwrights spend about 50 percent of their time at the port performing craft work, journeyman millwrights Joseph Quinn and Ronald Carter testified that they spent considerably more than 50 percent of their time performing such craft duties when they were assigned to the port. In particular, Quinn estimated that approximately 80 percent of his work involved millwright craftwork when he worked at the port, while Carter testified that he spent 90 percent of his time performing craftwork there. Carter testified that he also spends 90 percent of his time performing craftwork at the mine.

Although the millwrights frequently work with other employee classifications on a daily basis as noted above, there is rarely any overlap of duties. When working with other employees on a project, millwrights perform discrete "millwright work" that requires the use of their specialized skills and training. Quinn and Carter testified that while they have worked with port operators, environmental technicians, wastewater treatment personnel, heavy-duty mechanics, mine operators, and mill operators on various projects, those classifications never perform the millwright work of machinery dismantling and repair. The millwrights also do not usually perform the duties of the other employees when they work together. For example, electrician Bruder testified in the earlier proceeding that when he works with millwrights on a job, he does not perform millwright duties such as welding, and the millwrights do not perform the electrical work such as variable speed work. Instrumentation technician Christman testified that when he works with millwrights at the crusher, he performs the electronics work of weigh scale calibrations on the conveyor belts, which millwrights are not trained to do.

The duties of one of the employees in the proposed unit, Robert Davey, differ from those of the other millwrights. He is primarily responsible for repairing and maintaining the living quarters for the employees at the mine. His duties therefore involve facility maintenance work such as repairing sheetrock, painting walls, repairing windows, and unplugging toilets. The maintenance supervisors who supervise the millwrights also supervise Davey. Davey also attends the millwrights' daily crew meeting.

## **6. Wages and Benefits**

Employees' wages follow the same scale regardless of classification up through Level V. For example, all entry-level employees receive \$14.55 per hour, while a Level V employee in any department receives \$22.73 per hour. Differences exist at the journeyman level, however. A Level VI millwright at the mine or the port receives \$25.37 per hour, while Level VI operations employees receive \$24.21 per hour. All of the Employer's production and maintenance employees receive the same employment benefits, including medical, dental, and life insurance, sick leave and retirement benefits.

## **7. Interchange**

Interdepartmental transfers among the millwrights have been virtually nonexistent since the mine commenced operations in 1989. According to the Employer's records, only 13 employees of the approximately 3500 employees who have worked for the Employer since 1989 have transferred into the millwright group from other hourly classifications. All of those employees except one transferred into the millwright group at an entry-level apprentice position.<sup>9</sup> Transfers out of the millwright group are even rarer. Only one employee transferred out of the millwright group since 1989. That transfer was into a salaried position rather than into another hourly production and maintenance position.

## **8. Other Factors**

With the exception of three classifications (metallurgical techs, fire techs, and lab techs),<sup>10</sup> all of the Employer's production and maintenance employees work 11 and ½ hour days. The majority of the Employer's workforce, including the millwrights, works from 7 a.m. to 7 p.m. Millwrights have their own tools and their own toolboxes. They also use specialized tools (e.g., laser aligner, liner handler, hydraulic torque wrench, and a lathe) in performing their work that other employee classifications do not use. Heavy equipment mechanics, however, use many of the same tools (e.g., wrenches, socket sets, and pliers) that the millwrights use.

No other labor organization seeks to represent the Employer's employees on a broader basis than the Petitioner. No history of collective bargaining exists among the petitioned-for group of employees.

## **III. POSITIONS OF THE PARTIES**

The Petitioner contends that the unit of millwrights sought is an appropriate unit because they constitute a craft unit of highly skilled and experienced employees with common interests separate and apart from the other production and maintenance employees. On the other hand, the Employer asserts that the employees sought do not constitute a craft unit and that the only appropriate unit consists of all hourly production and maintenance employees at the mine and port.

## **IV. ANALYSIS**

As set forth above, the parties disagree whether the proposed unit of millwright employees is a craft unit. A craft unit consists of a distinct and homogeneous group of skilled journeymen craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment." *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994). In determining whether the unit sought constitutes a separate craft unit, the Board considers "whether the petitioned-for employees participate in a formal training or apprenticeship program; whether the work is functionally integrated with the work of the excluded employees; whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; whether the employer assigns work according to need rather than on craft or jurisdictional lines; and whether the petitioned-for employees share common interests with other employees, including wages, benefits, and cross-training." *Id.* In non-construction industry cases, the Board determines "the appropriateness of the craft unit sought in light of all factors present in the case." *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 417 (1966).

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<sup>9</sup> The one exception was Joseph Smith, whom the Employer hired as a Level VI heavy-duty mechanic at the port in April 1993. Smith became a Level VI millwright at the port approximately 8 months later.

<sup>10</sup> Those employees work 10-hour days.

*Accord Mirage Casino-Hotel*, 338 NLRB 529, 532 (2002). Applying the relevant factors to the case at hand, I find that most support the conclusion that the millwrights sought by the Petitioner are an appropriate craft unit.

As the record demonstrates, the Employer offers a formal apprenticeship-training program for its millwrights. This program offers the specialized training that apprentices require in order to become expert at performing what millwrights do—the maintenance and repair of stationary equipment. Apprentices acquire this specialized knowledge and skill through the study of books and on-the-job training with specialized equipment, and must demonstrate that they have acquired the knowledge and skills by passing both classroom and field tests. Besides the apprenticeship program for millwrights, the Employer also offers additional apprenticeship programs uniquely tailored to other crafts, such as the electricians (whom I have previously found to be a craft unit) and heavy equipment mechanics. Thus, the Employer already recognizes craft distinctions in establishing and maintaining these separate training programs. Moreover, the Employer's own supervisor recognizes that millwrights' work involves the use of substantial craft skills because general foreman Rhodes characterized many of the duties performed by millwrights as "craft" work.

Besides offering an apprenticeship program to train millwrights, the Employer hires and employs very experienced, journeyman-level millwrights. In fact, 44 of the 55 millwrights that the Petitioner seeks to represent have attained the status of level VI, the acknowledged journeyman-level for the millwrights. The employment of such a vast majority of journeymen millwrights strongly suggests that the Employer maintains its own rigorous standards for hiring or promoting experienced millwrights despite the absence of a licensing/certification requirement to hire and promote. As I found with respect to the electricians, the absence of a licensing/certification requirement does not undermine a finding that a particular group constitutes a craft. Thus, as I stated in that previous decision, "just as the Board has discounted the absence of a traditional formal apprenticeship or other training program in finding a craft unit when an employer in fact employs highly skilled and experienced employees, I find that the absence of a certification/licensing requirement is insignificant here where the Employer in fact employs primarily the highest-level [millwrights]. See *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994); *Anheuser-Busch, Inc.*, 170 NLRB 46 (1968).

I find unpersuasive the Employer's contention that the formal apprenticeship program does not support the finding of craft status because 3 of the 55 employees in the proposed unit do not currently participate in that program. I initially note that 3 out of 55 are statistically insignificant. I further note that the record establishes that one of the three employees, Jimmy Larkin, has previously worked his way up through the Employer's millwright apprenticeship training program and attained a Level V status. Finally, the record further establishes that the Employer stipulated that two of the three employees, Larkin and Percy Wesley, should be included in whatever unit I find to be appropriate.<sup>11</sup>

Contrary to the Employer, I do not find that the record demonstrates that the millwrights have *significant* overlapping duties with other production and maintenance employees. Although the Employer relies in its brief on testimony detailing numerous instances where millwrights have performed non-craft work such as snow shoveling, airport security, volunteer fire department and trauma duties, truck driving, and fuel unloading duties, the Employer has not introduced records revealing the specific amount of time that the 55 millwrights have spent performing those duties. While the millwrights undoubtedly perform these non-craft duties to assist the Employer's operation, particularly at the port where there is a limited number of

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<sup>11</sup> Despite their recognition that the record raises an issue regarding Larkin and Wesley's temporary status, the parties stipulated to include those two employees in whatever unit that I find appropriate.

employees present, they are not the millwrights' *regular* duties. Indeed, general foreman Rhodes estimated that the millwrights at the mine spend 75 percent of their time performing craft duties such as repairing and replacing motors and pumps, aligning equipment, welding, machine shop work, and other duties that involve the dismantling and repair of stationary industrial equipment.<sup>12</sup> It is these regular craft duties that require the use of specialized skills and equipment and which require the assignment of millwrights to perform the job. Although the Employer further notes that other classifications, such as the heavy duty mechanic, occasionally perform millwright-type work, this minor overlap in duties is insufficient to establish that the millwrights are not craft employees. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 (1994); *Schaus Roofing*, 323 NLRB 781, 784 (1997); *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 418 (1966).

The millwrights' separate supervision further supports the conclusion that the millwrights constitute an appropriate unit of craft employees. The two maintenance supervisors train, evaluate, and assign work exclusively to the millwrights and do not regularly supervise any other production or maintenance employees. Although the maintenance supervisor may oversee other employee classifications during the occasional mill shutdown of 3 to 4 days, this task-specific supervision is insufficient to negate a finding of craft status. See, e.g., *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977) (craft unit is appropriate even though unit employees are sometimes directed to report to another supervisor for the duration of a task). Although the Employer is correct that the port supervisor alone supervises the millwrights and all other employees at the port, I disagree that that fact demonstrates common supervision requiring a broader production and maintenance unit. Rather, the common supervision at the port reflects more on the port's physical location and small number of employees relative to the mine's operations rather than a blurring of the distinct duties between the millwrights and other employee classifications. Thus, it would be unrealistic for the Employer to employ several supervisors to oversee 22 employees.

The factor of employee interchange also favors the petitioned-for unit of millwrights. As the Employer's own records reveal, only 13 employees transferred into the millwright group since the mine opened 16 years ago, and no employee has transferred out of that group and into another hourly production and maintenance employee classification. The record evidence of 13 transfers over 16 years strongly refutes any claim of frequent interchange. Indeed, evidence of 13 transfers over a 16-year span is clearly insignificant under Board precedent to negate a finding that the unit sought is a craft unit. See, e.g., *Mirage Casino-Hotel*, 338 NLRB 529, 533 (2002) (in finding unit of carpenters to be a craft unit, Board finds that evidence of 14 transfers over 10-year span is insignificant); *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977) (3 transfers in first 8 and ½ months of cross-training program insufficient). Further undermining the Employer's claim is the fact that the virtually all of the employees who transferred into the millwright group came in at the entry-level classification.

I also note that there is no history of collective bargaining among the Employer's employees, and that no labor organization seeks to represent the employees on a broader basis than the Petitioner. These factors further support the finding that the unit sought is an appropriate craft unit.

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<sup>12</sup> While port supervisor Koon estimated that the 7 millwrights at the port spend only about 50 percent of their time performing craft duties, the Employer did not introduce written records to support that estimate. By contrast, two millwrights, who had worked at the port, testified that the amount of time that millwrights spent performing millwright craftwork at the port was actually closer to 80 and 90 percent, respectively.



As I observed with respect to the petitioned-for unit of electricians, there are also some factors that militate against the finding of a craft unit. As I found in that earlier decision, the Employer's mine and port operation constitute a highly integrated operation. Like the electricians, the millwrights work with other employee classifications when performing various maintenance and repair projects to improve the efficient operation of the Employer's mine. Nonetheless, as in my previous decisions, I disagree with the Employer's contention that the functional integration of the Employer's operations compels the conclusion that the millwrights are not a craft unit, particularly here where the millwrights perform discrete functions and utilize specialized skills even when working with other employee classifications. As the Board has frequently concluded, the functional integration of craft employees into an employer's operations is insufficient to preclude the establishment of a craft unit. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 fn. 12 (1994); *Atlantic Richfield Co.*, 231 NLRB 31, 32 (1977); *E.I. du Pont de Nemours & Co.*, 162 NLRB 413, 419 (1966). Accord *NLRB v. Metal Container Corp.*, 660 F.2d 1309 (8<sup>th</sup> Cir. 1981), enforcing 249 NLRB 1222 (1980).

Moreover, the Employer's reliance on *Publix Super Markets, Inc.*, 343 NLRB No. 109 (Dec. 16, 2004), *Boeing Co.*, 337 NLRB 152 (2001), and *Lily Tulip*, 181 NLRB 713 (1970), to argue that the functional integration of the Employer's operations precludes a unit limited to millwrights is misplaced. Unlike the millwrights here, none of the employees at issue in those cases were contended or shown to be craft employees who performed discrete and specialized tasks using specialized skills acquired through a formal apprenticeship program.

As was true with respect to the electricians and powerhouse employees, the millwrights receive the same employment benefits and generally the same wages<sup>13</sup> as the other production and maintenance employees that the instant petition seeks to exclude. All of the Employer's employees are subject to the same conditions of employment set forth in the Employer's policy and conduct manuals, and millwrights receive some of the same training as excluded employees. Although these factors support the Employer's claim that a wall-to-wall unit of production and maintenance employees would be an appropriate unit, they are insufficient to show that the unit sought by the Petitioner is not an appropriate craft unit. See, e.g., *Burns & Roe Services Corp.*, 313 NLRB 1307, 1309 (1994) (separate craft unit found appropriate even though all employees received similar wages and benefits and were subject to common personnel policies); *Schaus Roofing*, 323 NLRB 781, 784 (1997) (separate craft unit found appropriate even though craft employees were subject to common personnel policies and other benefits and conditions of employment, and the range of wage rates did not vary significantly from those of other employees).

In sum, I find that the evidence demonstrates that the millwrights constitute a distinct and homogeneous group of skilled journeymen craftsmen, who, with their apprentices, are primarily engaged in the performance of specialized tasks that the excluded employees do not perform and that require the use of substantial craft electrical skills. Thus, the petitioned-for millwrights constitute an appropriate craft unit. *Schaus Roofing*, 323 NLRB 781 (1997); *Burns & Roe Services Corp.*, 313 NLRB 1307 (1994); *Dodge City of Wauwatosa*, 282 NLRB 454 (1986) (separate unit of automobile mechanics constitute appropriate craft unit).

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<sup>13</sup> The only exception is that whereas the Level VI millwrights receive \$25.37 per hour like certain other Level VI employees, including Level VI mill operators and Level VI surface and mine operators, receive \$24.21 per hour.

## **V. CONCLUSION**

In view of the record evidence, I shall direct an election in the following appropriate Unit:

All full-time and regular part-time millwright employees employed by the Employer at its Red Dog mine and port operation located near Kotzebue, Alaska; excluding all other employees, managers, guards, and supervisors as defined in the Act.

There are approximately 55 employees in the Unit found appropriate.

## **VI. DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the Unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the Unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike, which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1547, AFL-CIO.

### **A. List of Voters**

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the alphabetized full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 19 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. The Region shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office, 915 Second Avenue, 29<sup>th</sup> Floor, Seattle, Washington 98174, on or before May 6, 2005. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission to (206) 220-6305. Since the list is to be made available to all parties to the election, please furnish a total of 4 copies, unless the list is submitted by facsimile, in which case only one copy need be submitted.

**B. Notice of Posting Obligations**

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

**C. Right to Request Review**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington, D.C. by 5 p.m., EST on May 13, 2005. The request may **not** be filed by facsimile.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file the above-described document electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: [www.nlrb.gov](http://www.nlrb.gov).

**DATED** at Seattle, Washington this 29<sup>th</sup> day of April 2005.

/s/ Richard L. Ahearn  
Richard L. Ahearn, Regional Director  
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